UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,436	11/07/2001	Mark A. Kirkpatrick	60027.0075US01/BS01302	9937

39262	7590	04/04/2006		

BELLSOUTH CORPORATION
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER
DODDS, HAROLD E

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 February 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,9 and 26-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,9 and 26-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

2.   Claims 1, 9, 26, 29, 30, and 33 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Hamlin et al. (U.S. Patent No. 6,477,504), Underwood (U.S.

Patent No. 6,609,128), and Hertzog et al. (U.S. Patent Publication No. US

2003/0069874).

3.   Hamlin renders obvious independent claims 1 and 30 by the following:

"...maintaining a survey database..." at col. 13, lines 45-49.

"...the database comprising the one or more questions..." at col. 13, lines 45-49 and col.

14, lines 12-14.

"...and data identifying a type of input field..." at col. 7, lines 52-54, col.11, lines 27-29, and col. 10, lines 37-39.

"...for each question..." at col. 14, lines 12-14.

"...wherein the survey database comprises..." at col. 13, lines 45-49.

"...data display data for each of the one or more questions..." at col. 6, lines 13-14 and col. 7, lines 2-17.

"...indicating how input fields for each of the one or more questions should be displayed..." at col.11, lines 27-29, col. 10, lines 37-39, and col. 7, lines 2-17.

"...the data display data comprising a question field for each of the one or more questions comprising its respective question..." at col. 6, lines 13-14, col. 7, lines 2-17, and col. 10, lines 37-39.

"...a response type field for each of the one or more questions..." at col. 7, lines 52-54, col. 10, lines 37-39, and col. 7, lines 2-17.

"...indicating what type of input field should be generated for its respective question..." at col. 7, lines 52-54, col.11, lines 27-29, col. 10, lines 37-39, and col. 7, lines 2-17.

"...and a response parameter field for each of the one or more questions..." at col. 7, lines 52-54, col. 7, lines 2-17, and col. 10, lines 37-39.

"...indicating how the input field corresponding to each respective question should be displayed..." at col. 11, lines 27-29, col. 10, lines 37-39, and col. 7, lines 2-17.

"...wherein each of the one or more questions..." at col. 7, lines 2-17.

"...indicating a sequence for the one or more questions..." at col. 9, lines 10-15.

"...wherein each of the one or more questions..." at col. 7, lines 2-17.

"...indicating whether each of the one or more questions..." at col. 7, lines 2-17.

"...should be included in the electronic survey..." at col. 12, lines 18-20 and col. 13, lines 45-49.

"...for each of the one or more questions..." at col. 14, lines 12-14.

"...not to be included in the survey when executed..." at col. 14, lines 48-52, col. 12, lines 18-20, and col. 13, lines 45-49.

"...corresponding to the electronic survey..." at col. 13, lines 45-49.

"...receiving a request for a network resource including the electronic survey..." at col. 5, lines 14-22.

"...wherein the request is received at a web server computer..." at col. 5, lines 14-22 and col. 6, lines 25-27.

"...maintaining the network resource from a web browser..." at col. 13, lines 57-60 and col. 5, lines 62-65.

"...in response to the request..." at col. 12, lines 27-29.

"...should be utilized to respond to the request..." at col. 6, lines 13-14 and col. 12, lines 27-29.

"...should not be utilized to respond to the request..." at col. 6, lines 13-14 and col. 12, lines 27-29.

"...for displaying the questions..." at col. 7, lines 2-17.

"...and the input fields..." at col. 11, lines 27-29 and col. 10, lines 37-39.

"...in a web browser..." at col. 5, lines 62-65.

"...determining which questions within the one or more questions..." at col. 12, lines 8-17 and col. 7, lines 2-17.

"...generating, based at least on the data display data..." at col. 6, lines 13-14 and col. 7, lines 2-17.

"...and response fields..." at col. 7, lines 52-54 and col. 10, lines 37-39.

"...as a response to the request for a network resource..." at col. 12, lines 27-29 and col. 5, lines 14-22.

Hamlin does not teach the use of class files, markup languages, activation indicators, application names, form names, version numbers, and sequence numbers,

4.   However, Underwood teaches the use of class files, markup languages, activation indicators, application names, form names, version numbers as follows:

"...data comprising activation indicators..." at col. 26, line 19 and col. 226, lines 38-40.

"...has an activation indicator..." at col. 26, line 19 and col. 226, lines 38-40.

"...and wherein the class file..." at col. 170, lines 50-52.

"...does not generate markup language..." at col. 62, lines 23-28.

"...and an application name..." at col. 175, lines 13-15.

"...a form name..." at col. 63, lines 32-34.

"...and a version number..." at col. 255, lines 66-67.

"...determining whether a previously compiled class file..." at col. 125, lines 30-32 and col. 170, lines 50-52.

"...in response to determining that a previously compiled class file..." at col. 125, lines 30-32 and col. 170, lines 50-52.

"...creating an executable class file..." at col. 170, lines 50-52.

"...capable of generating markup language..." at col. 62, lines 23-28.

"...wherein creating the executable class file comprises..." at col. 170, lines 50-52.

"...are active based upon the activation indicators..." at col. 26, line 19 and col. 226,

lines 38-40.

"...code for the executable class file..." at col. 170, lines 50-52.

"...required to display the active questions..." at col. 112, lines 51-55, col. 26, lines 25-

27, and col. 280, lines 41-42.

"...corresponding to the active questions..." at col. 26, lines 25-27 and col. 280, lines

41-42.

"...and reordering the code for generating active questions"... at col. 301, lines 61-67,

col. 26, lines 25-27, and col. 280, lines 41-42.

"...associated with the active questions..." at col. 26, lines 25-27 and col. 280, lines 41-

42.

"...generating the markup language..." at col. 62, lines 23-28.

"...by executing the class file..." at col. 21, lines 66-67, col. 27, line 1, and col. 170, lines

50-52.

"...and returning the markup language..." at col. 63, lines 53-54.

It would have been obvious to one ordinarily skilled in the art at the time of the

invention to combine Underwood with Hamlin to use activation indicators in order to

indicate when an object in a system has become active and should be included in future

processing of the system. Likewise, it would have been obvious to one ordinarily skilled

in the art at the time of the invention to combine Underwood with Hamlin to use class

files with databases to store survey questions in order to allow users of the system the

use of modern standard technology for the storage of data in a database and gain

greater acceptance of the system. Furthermore, it would have been obvious to one

ordinarily skilled in the art at the time of the invention to combine Underwood with

Hamlin to use markup languages to process the class files in order to allow transfer of

information in the class files over the network through the use of standard technology

and gain greater acceptance of the system. Finally, it would have been obvious to one

ordinarily skilled in the art at the time of the invention to combine Underwood with

Hamlin to use application names, form names, and version numbers in order to allow

the markup languages to address different components of the system. Hamlin and

Underwood have related applications and use related technologies. Hamlin and

Underwood teach the use of computers, the use of databases, the use of networks, the

use of clients, the use of servers, the sending of requests, the sending of responses, the

use of fields, and the use of browsers. Hamlin provides the survey database with

questions, the sending of requests, the sending of responses, and using web browsers

and Underwood provides activation indicators, compiled class files, markup languages,

application names, form names, and version numbers. In claim 1, the term "sort" is used

to suggest the term "reorder".

Underwood does not teach the use of sequence numbers.

5.   However. Hertzog teaches the use of sequence numbers as follows:

"...data comprising sequence numbers..." at p. 5, par. 0067.

"...has a sequence number..." at p. 5, par. 0067.

"...based on the sequence numbers..." at p. 5, par. 0067.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Hertzog with Hamlin and Underwood to use sequence numbers in order to determine whether the order of the questions has been modified since the last sorting, provide a means of sorting the questions into a revised order thus providing greater flexability of the system to gain greater acceptance of the system. Hamlin, Underwood, and Hertzog have related applications and use related technologies. Hamlin, Underwood, and Hertzog teach the use of computers, the use of networks, the use of clients, the use of servers, the sending of requests, and the sending of responses, Hamlin and Hertzog teach the use of databases, the use of fields, and the use of browsers. Hamlin provides the survey database with questions, the sending of requests, the sending of responses, and using web browsers, Underwood provides activation indicators, compiled class files, markup languages, application names, form names, and version numbers, and Hertzog provides sequence numbers.

6.   As per independent claim 26, the "...memory storage for maintaining a database...," is taught by Hamlin at col. 3, lines 40-44 and col. 13, lines 45-49, the "...and a processing unit coupled to the memory storage, wherein the processing unit is operative to...," is taught by Hamlin at col. 3, lines 40-44, the "...maintain a survey database...," is taught by Hamlin at col. 13, lines 45-49, the "...database comprising the one or more questions...," is taught by Hamlin at col. 13, lines 45-49 and col. 14, lines 12-14,

the "...and data identifying a type of input field...," is taught by Hamblin at col. 7, lines

52-54, col.11, lines 27-29, and col. 10, lines 37-39,

the "...for each question...," is taught by Hamlin at col. 14, lines 12-14,

the "...wherein the survey database comprises...," is taught by Hamlin at col. 13, lines

45-49,

the "...data display data for each of the one or more questions...," is taught by Hamlin at

col. 6, lines 13-14 and col. 7, lines 2-17,

the "...indicating how input fields for each of the one or more questions should be

displayed...," is taught by Hamlin at col.11, lines 27-29, col. 10, lines 37-39, and col. 7,

lines 2-17,

the "...data display data comprising a question field for each of the one or more

questions comprising its respective question...," is taught by Hamlin at col. 6, lines 13-

14, col. 7, lines 2-17, and col. 10, lines 37-39,

the "...response type field for each of the one or more questions...," is taught by

Hamblin at col. 7, lines 52-54, col. 10, lines 37-39, and col. 7, lines 2-17,

the "...indicating what type of input field should be generated for its respective

question..." is taught by Hamblin at col. 7, lines 52-54, col.11, lines 27-29, col. 10, lines

37-39, and col. 7, lines 2-17,

the "...and a response parameter field for each of the one or more questions...," is

taught by Hamblin at col. 7, lines 52-54, col. 7, lines 2-17, and col. 10, lines 37-39,

the "...indicating how the input field corresponding to each respective question should be displayed...," is taught by Hamblin at col. 11, lines 27-29, col. 10, lines 37-39, and col. 7, lines 2-17,

the "...data comprising sequence numbers...," is taught by Hertzog at p. 5, par. 0067,

the "...wherein each of the one or more questions...," is taught by Hamblin at col. 7, lines 2-17,

the "...has a sequence number indicating a sequence..." is taught by Hertzog at p. 5, par. 0067,

the "...for the one or more questions..." is taught by Hamblin at col. 7,

the "...data comprising activation indicators..." is taught by Underwood at col. 26, line 19 and col. 226, lines 38-40,

the "...wherein each of the one or more questions..." is taught by Hamblin at col. 7, lines 2-17,

the "...has an activation indicator indicating..." is taught by Underwood at col. 26, line 19 and col. 226, lines 38-40,

the "...whether each of the one or more questions...," is taught by Hamblin at col. 7, lines 2-17,

the "...should be included in the electronic survey...," is taught by Hamblin at col. 12, lines 18-20 and col. 13, lines 45-49,

the "...and wherein the class file...," is taught by Underwood at col. 170, lines 50-52,

the "...does not generate markup language...," is taught by Underwood at col. 62, lines 23-28,

the "...for each of the one or more questions...," is taught by Hamblin at col. 7, lines 2-17,

the "...not to be included in the survey when executed...," is taught by Hamblin at col. 14, lines 48-52, col. 12, lines 18-20, and col. 13, lines 45-49,

the "...and an application name...," is taught by Underwood at col. 175, lines 13-15,

the "...corresponding to the electronic survey...," is taught by Hamlin at col. 13, lines 45-49,

the "...form name...," is taught by Underwood at col. 63, lines 32-34,

the "...and a version number...," is taught by Underwood at col. 255, lines 66-67,

the "...receive a request for a network resource including the electronic survey...," is taught by Hamlin at col. 5, lines 14-22,

the "...wherein the request is received at a web server computer...," is taught by Hamlin at col. 5, lines 14-22 and col. 6, lines 25-27,

the "...maintaining the network resource from a web browser...," is taught by Hamlin at col. 13, lines 57-60 and col. 5, lines 62-65,

the "...in response to the request...," is taught by Hamlin at col. 12, lines 27-29,

the "...determine whether a previously compiled class file...," is taught by Underwood at col. 125, lines 30-32 and col. 170, lines 50-52,

the "...should be utilized to respond to the request...," is taught by Hamlin at col. 6, lines 13-14 and col. 12, lines 27-29,

the "...in response to determining that a previously compiled class file...," is taught by Underwood at col. 125, lines 30-32 and col. 170, lines 50-52,

the "...should not be utilized to respond to the request...," is taught by Hamlin at col. 6,
lines 13-14 and col. 12, lines 27-29,

the "...create an executable class file...," is taught by Underwood at col. 170, lines 50-
52,

the "...capable of generating markup language...," is taught by Underwood at col. 62,
lines 23-28,

the "...for displaying the questions...," is taught by Hamlin at col. 7, lines 2-17,

the "...and the input fields in a web browser...," is taught by Hamlin at col. 11, lines 27-
29, col. 10, lines 37-39, and col. 5, lines 62-65,

the "...wherein the processing unit being operative to create the executable class file
further comprises the processing unit being operative to...," is taught by Underwood at
col. 170, lines 50-52,

the "...determine which questions within the one or more questions..." is taught by
Hamlin at col. 12, lines 8-17 and col. 7, lines 2-17,

the "...are active based upon the activation indicators...," is taught by Underwood at col.
26, line 19 and col. 226, lines 38-40,

the "...generate, based at least on the data display data...," is taught by Hamlin at col.
6, lines 13-14 and col. 7, lines 2-17,

the "...code for the executable class file...," is taught by Underwood at col. 170, lines
50-52,

the "...required to display the active questions...," is taught by Underwood at col. 112,
lines 51-55, col. 26, lines 25-27, and col. 280, lines 41-42,

the "...and response fields..." is taught by Hamlin at col. 7, lines 52-54 and col. 10, lines 37-39,

the "...corresponding to the active questions...," is taught by Underwood at col. 26, lines 25-27 and col. 280, lines 41-42,

the "...and reorder the code for generating active questions...," is taught by Underwood at col. 301, lines 61-67, col. 26, lines 25-27, and col. 280, lines 41-42,

the "...based on the sequence numbers...," is taught by Hertzog at p. 5, par. 0067,

the "...associated with the active questions...," is taught by Underwood at col. 26, lines 25-27 and col. 280, lines 41-42,

the "...generate the markup language...," is taught by Underwood at col. 62, lines 23-28,

the "...by executing the class file...," is taught by Underwood at col. 21, lines 66-67, col. 27, line 1, and col. 170, lines 50-52,

the "...and return the markup language...," is taught by Underwood at col. 63, lines 53-54,

and the "...as a response to the request for a network resource...," is taught by Hamlin at col. 12, lines 27-29 and col. 5, lines 14-22.

       7.   As per claims 9, 29, and 33 the "...web server computer...," is taught by Underwood at col. 17, lines 61-64,

the "...is operative to receive response data...," is taught by Hamlin at col. 10, lines 2-4,

the "..corresponding to the input fields...," is taught by Hamlin at col. 11, lines 27-29 and col. 10, lines 37-39,

and the "...and to store the response data in a database...," is taught by Hamlin at col. 13, lines 45-49.

8.   Claims 2, 3, 27, 28, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin, Underwood, and Hertzog as applied to the claims above, and further in view of Kraft et al. (U.S. Patent No. 6,832,239).

As per claims 2, 27, and 31, the "...determining whether a previously compiled class file...," is taught by Underwood at col. 125, lines 30-32 and col. 170, lines 50-52, the "...should be utilized...," is taught by Hamlin at col. 6, lines 13-14,

the "...comprises determining whether the request for the network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...for the network resource...," is taught by Hamlin at col. 5, lines 14-22,

but the "...was a first request...," is not taught by either Hamlin, Underwood, or Hertzberg.

However, Kraft teaches the use of first requests as follows:

"...A request manager 204A receives initial requests for resources such as files from a client application 208..." at col. 5, lines 13-14.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine Kraft with Hamlin, Underwood, and Hertzog to use initial requests in order to use a standard procedure to ask for resources such as files and gain greater acceptance of the system. Hamlin, Underwood, Hertzog, and Kraft have related applications and use related technologies. Hamlin, Underwood, Hertzog, and Kraft teach the use of computers, the use of databases, the use of networks, the use of

clients, the use of servers, the sending of requests, the sending of responses, the use of

fields, and the use of browsers. Hamlin provides the survey database with questions,

the sending of requests, the sending of responses, and using web browsers,

Underwood provides activation indicators, compiled class files, markup languages,

application names, form names, and version numbers, Hertzog provides sequence

numbers, and Kraft provides initial requests.

      9.   As per claims 3, 28, and 32, the "...determining whether a previously

compiled class file...," is taught by Underwood at col. 125, lines 30-32 and col. 170,

lines 50-52

the "...should be utilized...," is taught by Hamlin at col. 6, lines 13-14,

the "...comprises determining whether the request for the network resource...," is taught

by Hamlin at col. 5, lines 14-22,

the "...was a first request...," is taught by Kraft at col. 5, lines 13-14,

the "...for the network resource...," is taught by Hamlin at col. 5, lines 14-22,

the "...or whether a web server...," is taught by Underwood at col. 17, lines 61-64,

the "...operative to provide the network resource...," is taught by Hamlin at col. 5, lines

14-22,

the "...was reset...," is taught by Hertzog at p. 18, par. 0192,

the "...since the last time...," is taught by Hamlin at col. 8, lines 61-63 and col. 2, lines 7-

9,

and the "...network resource was accessed...," is taught by Hamlin at col. 5, lines 14-22.

Response to Arguments

10.   Applicants arguments filed 8 September 2005 have been fully considered

but they are not persuasive. In the first argument for independent claim 1 on page 12,

paragraph 3, page 13, paragraphs 1 and 2, and page 14, paragraph 1 the Applicants

state:

"Amended Claim 1 is patentably distinguishable over the cited art for at least the reason
that it recites, for example, "wherein the survey database comprises, data display data
for each of the one or more questions indicating how input fields for each of the one or
more questions should be displayed, the data display data comprising a question field
for each of the one or more questions comprising its respective question, a response
type field for each of the one or more questions indicating what type of input field should
be generated for its respective question, and a response parameter field for each of the
one or more questions indicating how the input field corresponding to each respective
question should be displayed, data comprising sequence numbers wherein each of the
one or more questions has a sequence number indicating a sequence for the one or
more questions, data comprising activation indicators wherein each of the one or more
quest=ions has an activation indicator indicating whether each of the one or more
questions should be included in the electronic survey and wherein the class file does
not generate markup language for each of the one or more questions not to be included
in the survey when executed, and an application name corresponding to the electronic
survey, a form name, and a version number" and "wherein creating the executable class
file comprises, determining which questions within the one or more questions are active
based upon the activation indicators, generating, based at least on the data display
data, code for the executable class file required to display the active questions and
response fields corresponding to the active questions, and reordering the code for
generating active questions based on the sequence numbers associated with the active
questions." Amended Claims 26 and 30 each includes similar recitations. Support for
these amendments can be found in the specification at least on page 12, line 22
through page 13, line 17. In contrast, Hamlin at least does not disclose the
aforementioned recitations. For example, Hamlin merely discloses that when a network
user completes a survey, the survey results are automatically sent over a network
system where they are validated and stored in a corresponding storage unit (e.g.
database) using validation and insertion commands that are attached to the survey.
(See col. 13, lines 45-49.) In addition, Hamlin discloses that by interacting with an
interface, a client can define questions, select responses, edit, reorder, and view the
survey. (See col. 14, lines12-14.) In addition, the Examiner stated that Hamlin does not
teach the use of class files, markup languages, field types, application names, form
names and version numbers. (See Office Action, page 4, lines 17-18.) Consequently,
Hamlin discloses automatically sending survey results over a network system where
they are validated and stored. In Hamlin, a survey database comprising the
aforementioned data is not disclosed. In addition, Hamlin does not disclose creating the

executable class file by determining ..., generating, ... and reordering ... as described above. Hamlin is completely silent regarding these recitations."

The Examiner disagrees. Hamlin teaches the use of a survey price field at col. 10, lines 37-39. This is a data field that accepts input from users. He also teaches the use of pricing parameters at col. 7, lines 2-17. Since Hamlin teaches a system for automating surveys containing both questions and responses it is reasonable that a question or an response could be combined with the survey price field to provide question fields and response fields. In fact, Hamlin provides a means of selection mechanism for response types at col. 7, lines 50-54, which could easily be expanded to include response data entry fields. This is a 35 U.S.C. 103(a) rejection, which forms the basis for an obviousness rejection. Three references have been combined for this rejection, which are Hamlin, Underwood, Hertzog. Underwood and Hertzog teach all the limitations that are not taught by Hamlin. For example, Underwood teaches the use of activation indicators, class files, markup languages, application names, form names, and version numbers and Hertzog teaches the use of sequence numbers. Two new features have been added to this claim by amendment, sequence numbers and activation indicators. Hertzog teaches the use of sequence numbers at p. 5, par. 0067 and Underwood teaches the use of activation indicators at col. 26, line 19 and col. 226, lines 38-40. An active question is a question for which an activation indicator has been set. The four sections of the obviousness rejection for independent claim 1 shown above demonstrates in detail how the features in the four references are put together to render obvious the various limitations of amended independent claim 1.

11.   In the second argument for independent claim 1 on page 14, paragraph 2

the Applicants state:

"Furthermore, Piller does not overcome Hamlin's deficiencies."

The Examiner disagrees. Applicant's arguments with respect to claim 1 have

been considered but are moot in view of the new ground(s) of rejection. Piller is no

longer used in the obviousness rejection. Hamlin, Underwood, and Hertzog aretheonly

references used.

12.   In the third argument for independent claim 1 on page 14, paragraph 3 the

Applicants state:

"Moreover, Hertzog does not overcome Hamlin's and Piller's deficiencies."

The Examiner disagrees. Hertzog teaches the use of sequence numbers. The response

to the first argument has shown that this is a 35 U.S.C. 103(a) rejection, which forms the

basis for an obviousness rejection. The role of Hertzog in the obviousness rejection is

defined in the response to the first argument.

13.   In the fourth argument for independent claim 1 on page 15, paragraph 1

the Applicants state:

"In addition, Underwood does not overcome Hamlin's, Piller's, and Hertzog's
deficiencies."

The Examiner disagrees. Underwood teaches the use of activation indicators, class

files, markup languages, application names, form names, and version numbers. The

response to the first argument has shown that this is a 35 U.S.C. 103(a) rejection, which

forms the basis for an obviousness rejection. The role of Underwood in the obviousness

rejection is defined in the response to the first argument.

14.   In the fifth argument for independent claims 1, 26, and 30 on page 15,

paragraph 2 the Applicants state:

"Combining Hamlin with Piller, Hertzog, and Underwood would not have led to the
claimed invention because Hamlin, Pilfer, Hertzog, and Underwood, either individually
or in combination, at least do not disclose the aforementioned recitations, as recited by
amended Claim 1. Amended Claims 26 and 30 each includes similar recitations.
Accordingly, independent Claims 1, 26, and 30 each patentably distinguishes the
present invention over the cited art, and Applicants respectfully request withdrawal of
this rejection of Claims 1, 26, and 30."

The Examiner disagrees. The responses to the first four arguments have shown that

independent claim 1 is rendered obvious. Since amended claims 26 and 30 include

similar recitation of the limitations in amended independent claim 1 then claims 26 and

30 are still rendered obvious.

15.   In the sixth argument for claims 9, 29, and 33 on page 15, paragraph 3 the

Applicants state:

"Dependent Claims 9, 29, and 33 are also allowable at least for the reasons described
above regarding independent Claims 1, 26, and 30, and by virtue of their respective
dependencies upon independent Claims 1, 26, and 30. Accordingly, Applicants
respectfully request withdrawal of this rejection of dependent Claims 9, 29, and 33.

The Examiner disagrees. Since the responses to the first five arguments have shown

that independent claims 1, 26, and 30 are rendered obvious, claims 9, 29, and 33

depend on independent claims 1, 26, and 30 respectively, and no additional arguments

have been provided for any of these claims then claims 9, 29, and 33 are still rendered

obvious.

16.   In the seventh argument for claims 2, 3, 27, 28, 31, and 32 on page 15,

paragraph 4 and page 16, paragraph 1 the Applicants state:

"Dependent Claims 2 and 3 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 1, the recitation stated above with respect to Section I. Dependent Claims 27, 28, 31, and 32 are patentably distinguishable over the cited art for at least for the reason that they include similar recitations."

The Examiner disagrees. Since the responses to the first five arguments have shown that independent claims 1, 26, and 30 are rendered obvious, claims 2 and 3 depend on independent claim 1, claims 27 and 28 depend on independent claim 26, and claims 31 and 32 depend on independent claim 30, and no additional arguments have been provided for any of these claims then claims 2, 3, 27, 28, 31, and 32 are still rendered obvious.

17.   In the eighth argument for claims 2, 3, 27, 28, 31, and 32 on page 16, paragraph 2 the Applicants state:

"As stated above, Hamlin at least does not disclose the aforementioned recitations."

The Examiner disagrees. Hamlin teaches many features of amended independent claims 1, 26, and 30. The response to the first argument has shown that this is a 35 U.S.C. 103(a) rejection, which forms the basis for an obviousness rejection. The role of Hamlin in the obviousness rejection is defined in the response to the first argument. Since the responses to the first five arguments have shown that independent claims 1, 26, and 30 are rendered obvious, claims 2 and 3 depend on independent claim 1, claims 27 and 28 depend on independent claim 26, and claims 31 and 32 depend on independent claim 30, and no additional arguments have been provided for any of these claims then claims 2, 3, 27, 28, 31, and 32 are still rendered obvious.

18.   In the ninth argument for claims 2, 3, 27, 28, 31, and 32 on page 16,

paragraph 3 the Applicants state:

Furthermore, and as also stated above, Piller does not overcome Hamlin's deficiencies."

The Examiner disagrees. Piller is no longer used as a reference for the rejection of

independent claims 1, 26, and 30. Since the responses to the first five arguments have

shown that independent claims 1, 26, and 30 are rendered obvious, claims 2 and 3

depend on independent claim 1, claims 27 and 28 depend on independent claim 26,

and claims 31 and 32 depend on independent claim 30, and no additional arguments

have been provided for any of these claims then claims 2, 3, 27, 28, 31, and 32 are still

rendered obvious.

19.   In the tenth argument for claims 2, 3, 27, 28, 31, and 32 on page 17,

paragraph 2 the Applicants state:

"Moreover, and as also stated above, Hertzog does not overcome Hamlin's and Piller's
deficiencies. "

The Examiner disagrees. Hertzog teaches the use of sequence numbers. The response

to the first argument has shown that this is a 35 U.S.C. 103(a) rejection, which forms the

basis for an obviousness rejection. The role of Hertzog in the obviousness rejection is

defined in the response to the first argument. Since the responses to the first five

arguments have shown that independent claims 1, 26, and 30 are rendered obvious,

claims 2 and 3 depend on independent claim 1, claims 27 and 28 depend on

independent claim 26, and claims 31 and 32 depend on independent claim 30, and no

additional arguments have been provided for any of these claims then claims 2, 3, 27,

28, 31, and 32 are still rendered obvious.

20.   In the eleventh argument for claims 2, 3, 27, 28, 31, and 32 on page 17,

paragraph 3 the Applicants state:

"In addition, and as also stated above, Underwood does not overcome Hamlin's, Piller's, and Hertzog's deficiencies."

The Examiner disagrees. Underwood teaches the use of activation indicators, class

files, markup languages, application names, form names, and version numbers. The

response to the first argument has shown that this is a 35 U.S.C. 103(a) rejection, which

forms the basis for an obviousness rejection. The role of Underwood in the obviousness

rejection is defined in the response to the first argument. Since the responses to the first

five arguments have shown that independent claims 1, 26, and 30 are rendered

obvious, claims 2 and 3 depend on independent claim 1, claims 27 and 28 depend on

independent claim 26, and claims 31 and 32 depend on independent claim 30, and no

additional arguments have been provided for any of these claims then claims 2, 3, 27,

28, 31, and 32 are still rendered obvious.

21.   In the twelfth argument for claims 2, 3, 27, 28, 31, and 32 on page 17,

paragraph 4 and page 18, paragraph 1 the Applicants state:

"Also, Kraft' does not overcome Hamlin's, Piller's, Hertzog's, and Underwood's deficiencies. Kraft merely discloses systems for managing network resources. Like Hamlin, Piller, Hertzog, and Underwood, Kraft at least does not disclose the aforementioned recitations, rather Kraft is completely silent regarding these recitations. Combining Hamlin, Piller, Hertzog, Underwood, and Kraft would not have led to the claimed invention because Hamlin, Piller, Hertzog, Underwood, and Kraft, either individually or in combination, at least do not disclose the recitation stated above with respect to Section I, as included in dependent Claims 2 and 3. Dependent Claims 27, 28, 31, and 32 each includes similar recitations. Accordingly, dependent Claims 2, 3, 27, 28, 31, and 32 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of dependent Claims 2, 3, 27, 28, 31, and 32.

The Examiner disagrees. The responses to the first five arguments have shown that a

combination of Hamlin, Underwood, and Hertzog render obvious independent claims 1,

26, and 30. There is no additional requirement that Kraft also render obvious these

amended independent claims. Since the responses to the first five arguments have

shown that independent claims 1, 26, and 30 are rendered obvious, claims 2 and 3

depend on independent claim 1, claims 27 and 28 depend on independent claim 26,

and claims 31 and 32 depend on independent claim 30, and no additional arguments

have been provided for any of these claims then claims 2, 3, 27, 28, 31, and 32 are still

rendered obvious.

Conclusion

22.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

23.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Harold E. Dodds, Jr. whose telephone number is
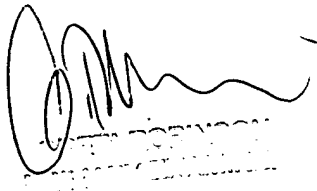
(571)-272-4110. The examiner can normally be reached on Monday - Friday 8:00 -

4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim T. Vo can be reached on (571)-272-642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Harold E. Dodds, Jr.
Patent Examiner
March 30, 2006